

UNITED STATES COURT OF APPEALS

DEC 05 2005

FOR THE NINTH CIRCUIT

NOV 15 2005

By Deputy
DISTRICT OF ALASKA CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GERSON NUNEZ,

Defendant - Appellant.

No. 05-30516

D.C. No. CR-99-00036-a-HRH
District of Alaska,
Anchorage

ORDER

A review of the record demonstrates that this appeal may be appropriate for summary disposition because the questions on which the decision in the appeal depends may be so insubstantial as not to justify further proceedings. *See* 9th Cir. R. 3-6.

Within 21 days from entry of this order, appellant shall show cause why the judgment in this appeal should not be summarily affirmed. Appellee may file a reply to appellant's response within ten days from service of the response.

A review of the district court docket reflects that appellant has not paid the docketing and filing fees for this appeal. Within 21 days after the date of this order, appellant shall: (1) file a motion with this court to proceed in forma pauperis; or (2) pay \$255 to the district court as the docketing and filing fees for

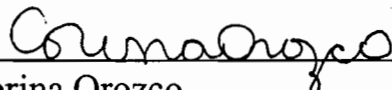
05-30516

this appeal and provide proof of payment to this court; or (3) otherwise show cause why the appeal should not be dismissed for failure to prosecute.

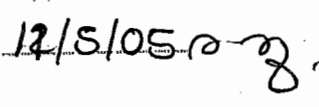
If appellant fails to comply with this order, the appeal will be dismissed automatically by the Clerk under Ninth Circuit R. 42-1.

For the Court:

CATHY A. CATTERSON
Clerk of the Court


Corina Orozco
Deputy Clerk
Local Rule 27-7


A99-0036--CR (HRH)


D. NUNEZ
J. BARKELEY (USA)
JUDGE HOLLAND